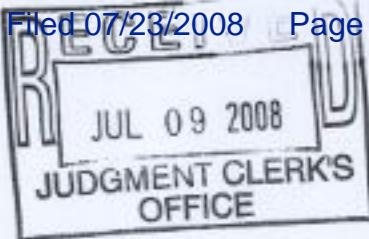


4-180412  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CMA-CGM (AMERICA), INC., now known  
as CMA CGM (AMERICA) LLC,



08(01)(01)

07 Civ 0540 (NRB)

Plaintiff, in the absence of exceptional  
circumstances - against -  
SILVER LINE MOTORS, and  
ISMAIL ELABDALLAH,  
Defendants.

-----X

#### CONCLUSION

#### MEMORANDUM OF LAW

##### Facts

This action was commenced seeking \$99,072.94 in unpaid ocean freight and tariff regulated pre-loading detention charges. Defendants were served on January 18, 2008, and failed to answer. Since the inception of the action, the amount due has been reduced to \$80,256.00 in principal.

##### POINT I

#### THE COURT MAY ENTER

#### A DEFAULT JUDGMENT

Under Fed.R.Civ.P. 55(b)(2), the Court may enter a judgment by default, so long as the Court, in its discretion, can ascertain from the facts set forth in the Complaint that a judgment is warranted. Au Bon Pain v. Artec, Inc., 653 F.2d 61, at 65 (2d. Cir. 1981). Plaintiff submits that the affidavit of Gregg Gendron, together with the Complaint, Bills of Lading and invoices satisfies the requirement of sufficient proof of the accuracy of the allegations of the Complaint.

AFFIDAVIT OF SERVICE BY MAIL

CITY OF NEW YORK      )  
STATE OF NEW YORK    ) SS:  
COUNTY OF NEW YORK )

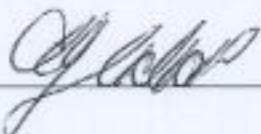
upon the following:

Ismail Elabdallah  
Silver Line Motors  
2619 Shaver St.  
Pasadena, TX 77501

William A. Petersen, Jr., Esq.  
277 East Peterson Loop  
Livingston, TX 77351

by depositing (a) true copy(ies) of the same securely enclosed in (a) postpaid wrapper(s) in a Post Office Box regularly maintained by the United States Government at 551 Fifth Avenue, New York, NY 10176, directed to the above mentioned individual(s) at his (their) respective address(es) above, that (these) being the address(es) within the State designated by him (them) for that purpose upon the preceeding papers in this action or the place where he (they) then kept an office, between such places, there then was and now is a regular communication by mail.

Deponent is over the age of 18 years.

  
\_\_\_\_\_  
*Dorothy C. Merite*

Sworn to before me this  
4th day of July , 2008

DOROTHY C. MERITE  
Notary Public, State of New York  
No. 31-4981997  
Qualified in New York County  
My Commission Expires 2/12/10  
*2/12/10*